

Zoning Commission Minutes

November 29, 2012

3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Chuck Steffan, Jay Elkin, Kurt Froelich, Sue Larsen, Klayton Oltmanns, Gene Jackson and Larry Messer present and absent Duane Grundhauser. Also present were Planner Steve Josephson, States Attorney Tom Henning, Auditor Kay Haag and Nicole Roberts.

Chuck Steffan moved to approve the minutes from the November 29, 2012 meeting. Kurt Froelich seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Rob Viera, c/o Verizon Wireless. The request was for a Conditional Use Permit for a 269 foot telecommunications tower on a tract located in the NE4 of Section 10, Township 139, Range 98 containing approximately 160 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following finding:

1. The location of the proposed project should not adversely impact the existing agricultural **uses in the vicinity; and**
2. The conditional use shall to limited through the inclusion of the following conditions:
 - a. **Development shall be limited to a free standing telecommunications tower, equipment building, generator, and accessory equipment.**
 - b. **The equipment compound shall not be used for storage of any excessive equipment; hazardous waste, or habitable space. No outdoor storage shall be allowed on site.**
 - c. **The maximum height of the radio tower shall be limited to 269 feet.**
 - d. **The location of the tower and the accessory building shall be as shown on the drawings dated November 9, 2012.**
 - e. **The developer shall be responsible for all maintenance associated with the tower, the tower compound and the roads accessing the tower.**
 - f. **The tower shall allow for co-location of two additional providers.**
 - g. **The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color.**
 - h. **Prior to building permit issuance, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules.**
 - i. **Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited.**
 - j. **Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted.**
 - k. **Security lighting for the equipment shelter shall be confined to the Any proposed change of use of the tower, increase in height or change of location**

- shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission.
- l. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations.
 - m. The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.
 - n. boundaries tower site.
 - o. Towers shall be galvanized and painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings.

The subject property is currently zoned Agriculture. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- LAND USE-Avoid conflict between land uses.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations for Rob Viera, c/o Verizon Wireless. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Brent and Sarah Boltz. The request was for a zoning change from Agricultural to Residential, Agricultural on a tract located in the S2NW4 of Section 25, Township 139, Range 96 containing approximately 20 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Nancy Claude asked that they conform to the neighborhood. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Nancy Claude suggested that the property to stay conforming to the neighborhood.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations for Brent and Sarah Boltz. Jay Elkin seconded. Roll call vote, Chuck Steffan abstained. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Richard Schmidt. The request was for a zoning change from Agricultural to Residential, Agricultural on a tract located in the SE4SE4 of Section 3, Township 140, Range 94 containing approximately 4.94 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Discussion was held regarding temporary or permanent easement. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County subdivision regulations.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations for Richard Schmidt. Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

AGENDA ITEM #4: Richard Barnard is requesting a zoning change from Agricultural to Residential, Agricultural on Government Lot 2 of Section 6, Township 140, and Range 95 containing approximately 42.5 acres was cancelled due to an application error.

Chairman Hoff opened the public hearing on a request from Stephen Procive and/or Megan Procive. The request was for a zoning change from Agricultural to Residential, Agricultural for a tract in the NW4 of Section 35, Township 140, Range 99 containing approximately 1.19 acres. Chairman Hoff asked for anyone to speak for or against the Conditional Use Permit. Discussion was held and the following was added to the recommendations, prior to the issue of a building permit a letter from SW Water stating that the well and septic tank will fit on 1.19 acres will need to be provided. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations for Stephen Procive and/or Megan Procive. Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner, discussed the following items:

Vision West will be held December 12 at the BAC .

Developers dedicating land for public use.

Crew Camp fees, setting fee by capacity vs. occupancy, replaces property tax.
Building Permits.
Educating the public regarding the process for rezoning.
Special Assessment Districts.

Jay Elkin moved to adjourn. Klayton Oltmanns seconded.